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namely, that it is an "embodiment of power," an "organic growth" or a "judicial arrangement," but that the share to be assigned to each is "bound to vary in accordance with the epoch and the country." This last statement suggests Stammmler's "ideal of an epoch," though the author in another connection (p. 146) speaks slightly of Stammmler's contributions to jurisprudence. Vinogradoff defines the State as "an organization enforcing social order by means of legal rules."

The last half of the Introduction examines critically the work of the analytical school in the chapter on the Rationalists. In the succeeding chapter on the Nationalists the author credits the Historical School and the Romantic movement with having established the doctrine that institutions have an organic growth and with having given us a wider view of individual and social psychology. In his chapter on the Evolutionists the author goes beyond Ihering's teleological view to an idealistic one in the suggestion that it is "not wrong or presumptuous to reflect on the general principles which in the present state of civilization we ought to accept as the guiding lights for legislators and reformers."

The author would probably resent an attempt to definitely place him in any one of the accepted schools of jurisprudence but his book shows that his preëminent achievements in the field of historical jurisprudence have given him a broad outlook over the entire field of legal theory and make him a sane critic of contemporary jurists, though one may possibly feel that he has underestimated the achievement of some of his Transrhenish brethren. Possibly this may be excused as a reflex of the present world psychology.

J. H. DRAKE.

THE LIFE OF JOHN MARSHALL. By Albert J. Beveridge. Houghton Mifflin Co., Boston and New York. Four volumes, pp. lxxxii, 2412.

A valid excuse exists for writing something more of Senator Albert J. Beveridge's life of John Marshall, even though the book has already been in print for many months. The book is growing on the American public and its fame will be greater twenty years from now than it is at present. The great debt which the American people, and especially the American bar, owe Senator Beveridge is a debt that has not yet been fully realized. Comparatively few lawyers have read the work.

Strange that John Marshall, our greatest Chief Justice, should have had to wait a century for justice to be done him, and to his ability and influence on the life and institutions of America. The Beveridge life is the first one that presents the great jurist adequately and there will be no other life of John Marshall, for there is no need of one. The work need never be done again, for it has been brilliantly and satisfactorily done. The fame of Senator Beveridge as the author of the "Life of John Marshall" will outlast his fame as a Senator, an orator and a leader of the Progressive movement in the Republican party.

The objection to the book that it is prolix, is not well taken. The sub-

ject could not have been treated in smaller space and its importance justified the most exhaustive treatment possible.

No other characteristic of the book is more marked than the charm and brilliancy of its style—vivid, animating, thrilling in its word pictures. What a superb special correspondent Senator Beveridge would have been! For this is not merely a lawyer's book. Although it deals with legal themes and cases and the life of a man whose fame rests almost solely on the cloister-like atmosphere of a supreme court, the book is as interesting to a layman as to a lawyer.

As a panorama of American history of revolutionary days and the succeeding generation, it is a genuine contribution to American history; as a thrilling picture of the acts and cross-currents of the politics of the first generation of American public life, it has no superior; as a faithful portrayal of such men as Washington, Hamilton, Jefferson, Adams and a host of revolutionary characters, it will bear a sustained interest to every reader of good books and historical subjects in America.

One of its most notable distinctions is the story of how Marshall formed his opinions of the need of a strong central government during the dark days at Valley Forge when a weak and powerless Continental Congress could not supply America's freezing and starving troops with clothes and food. Marshall served all through Valley Forge side by side with Washington and the real John Marshall was formed then.

The finest chapter in the whole four volumes is that on the ratification of the Federal Constitution by the Virginia convention. This chapter is a distinct contribution to American history, no matter whatever else has been written of the event.

The only criticism of the book that can be suggested, and it is not a fundamental one, is that the trial of Aaron Burr is given too much space and too elaborate a treatment. The subject does not justify either the space given to Burr nor the partiality to him plainly shown by the author. The trial of Burr was without question a notable event and the opinions of Marshall, who presided, on the law of treason, form an important chapter in the development of that law; but the life of John Marshall did not require any vindication of the career of Aaron Burr, if indeed Burr is entitled to one, and we say this without wishing to revive an ancient historical controversy.

The book abounds in fine and accurate pen pictures of Marshall the soldier, the man, the devoted husband to an invalid wife, the jolly comrade at sessions of his club, the sportsman, and the just judge. We find Marshall the man, much like other human beings, and the cloud-like cloak which has so long enveloped the great personality with a grave and judicial austerity is removed and we see a real man of flesh and blood, whom anyone would delight to know and hold fellowship with.

Beveridge is markedly fair to Jefferson and the Democrats of that period. Thus, he preserved the truth and the fairness of history that make historical writing live long after the author is gone. We feel that the author is him-

self an inherently fair man in his judgments and treatment of partisan opponents.

Of course the heart of the book is that part dealing with the great decisions of Marshall upon the Supreme Bench of the United States. With the history of these famous cases, their origin, the facts and the far-reaching importance of his decisions we can hardly deal, but Senator Beveridge has handled this portion of his task with consummate skill.

These four great cases constitute a quartet of judicial landmarks in the growth of American constitutional law and the development of the power of the Federal government :

Marbury v. Madison decided that the Supreme Court may consider the constitutionality of a law passed by Congress and may declare that law unconstitutional.

McCulloch v. Maryland construed the "elastic clause" of the constitution and held that the Federal government has not only those powers expressly given it by the constitution but also all powers needed to carry the foregoing powers into effect.

The Dartmouth College case held that a charter to a corporation is a contract, the obligation of which cannot subsequently be impaired by any act of the legislative power.

Gibbons v. Ogden construed the interstate commerce clause of the constitution, giving the widest possible construction to the word "regulate" and holding the power of the Federal government over interstate commerce to be supreme and untrammelled.

The result of this great line of decisions was effectively to establish the supreme power of the Federal government, to make it a nation in the real sense of that word; to give to corporate property a security and a stability which told mightily in that marvelous industrial development which characterized the nineteenth century.

There were other great decisions, but these stand in a class by themselves.

We may say of his treatment of these cases that:

1. It is adequate. It will satisfy the most exacting lawyer, the most learned student of American history.

2. The handling of what might be considered dry and musty decisions is brilliant and fascinating. It takes a master both of style and treatment to handle these themes in a way to interest laymen as well as searchers for historical facts and students of law. This Senator Beveridge has done in masterly fashion. The pages seem to move with living figures of that day; we follow the development of the case, the argument of the great lawyers, the human motive and cross-purposes that enter into every case with almost breathless interest.

3. The book is unusually valuable in giving a true historical setting for each of the great cases decided by Marshall. Probably the student of history and of the development of American constitutional law will find his greatest

interest in this feature of the work. There is a growing insistence in modern law school teaching that leading cases be studied in the light of the historical conditions that gave rise to them; and in this we have but another evidence of the close and vital connection between law and history; between the development of a nation's jurisprudence and its general course of history. Law is not something removed and apart from human life; it is the very breath and vitality of the life of the state, and its development is but the state's development. Society is constantly engaged in a struggle to express its ideals in law. No man did so much to express American constitutional ideals and Federal ideals in law, as did John Marshall.

As we read the book we are filled with admiration for the long, exhaustive labor, the painstaking research that the author obviously put into his work. It must have been a genuine labor of love; nothing else could have held the author to such a laborious task.

No lawyer can afford to miss this great work; every student of American history will find it of particular value; every American should read it. The entire American bar owes Senator Beveridge a debt of gratitude for his life of John Marshall, and he who reads it will be a better American for having done so.

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